

1 Lesley E. Weaver (SBN 191305)  
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP  
2 199 Fremont Street, 20<sup>th</sup> Floor  
San Francisco, CA 92101  
3 Telephone: (415) 992-7282  
Facsimile: (415) 489-7701  
4 [lweaver@sfmslaw.com](mailto:lweaver@sfmslaw.com)

5 <mailto:sshepherd@sfmslaw.com> [Other Counsel listed on signature page]

6 Attorneys for Plaintiff and on Behalf  
of All Others Similarly Situated  
7

8 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
9 Including Professional Corporations  
P. CRAIG CARDON, Cal. Bar No. 168646  
10 BRIAN R. BLACKMAN, Cal. Bar No. 196996  
ELIZABETH S. BERMAN, Cal. Bar No. 252377  
11 4 Embarcadero Center, 17<sup>th</sup> Floor  
San Francisco, California 94111-4109  
12 Telephone: 415-434-9100  
Facsimile: 415-434-3947  
13 E-Mail: ccardon@sheppardmullin.com  
bblackman@sheppardmullin.com  
14 eberman@sheppardmullin.com

15 Attorneys for Defendant  
SAFEWAY INC.  
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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19

20 MICHAEL RODMAN, on behalf of  
himself and all others similarly situated,  
21

22 Plaintiff,

23 v.

24 SAFEWAY INC.,

25 Defendant.  
26  
27  
28

Case No. 3:11-CV-03003 JSW

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

Date: March 30, 2012

Time: 1:30 PM

Courtroom: 11, 19th Floor

The Honorable Jeffrey S. White

1 Plaintiff Michael Rodman ("Plaintiff") and defendant Safeway Inc. ("Safeway"), by  
2 and through their counsel, stipulate:

3 1. Plaintiff filed his Class Action Complaint on June 17, 2011 (Dkt. No. 1) and  
4 later amended his complaint on September 15, 2011 (Dkt. No. 29). The Amended  
5 Complaint, which is the operative complaint, alleges claims for breach of contract,  
6 violation of California's Consumer Legal Remedies Act (Civ. Code § 1770, et seq.), false  
7 advertising (Bus. & Prof. Code § 17500, et seq.) and unfair competition (Bus. & Prof.  
8 Code § 17200, et seq.). In support of his claims, Plaintiff alleges that Safeway  
9 misrepresented to customers that the prices they would be charged for groceries ordered  
10 online for home delivery would be the same as the price charged on that day in the  
11 customers' local brick-and-mortar store.

12 2. Safeway moved to dismiss the Amended Complaint, which the Court denied  
13 by order entered November 1, 2011 (Dkt. No. 38). Safeway answered the Amended  
14 Complaint, denying it misrepresented its online store pricing and alleging various  
15 affirmative defenses, on November 15, 2011 (Dkt. No. 39).

16 3. On December 1, 2011, the parties participated in an Early Neutral Evaluation  
17 before Stephen E. Taylor, Esq. As reflected by Mr. Taylor's Certification of ADR Session  
18 (Dkt. No. 40), the parties agreed to continue their ADR efforts through a full day  
19 mediation.

20 4. By order entered January 3, 2011, the Court continued the initial case  
21 management conference to March 23, 2012 to allow the parties time to complete their  
22 efforts to settle this matter (Dkt. No. 43).

23 5. The parties have agreed to conduct a full day mediation before Judge  
24 William Cahill at JAMS in San Francisco and are in the process of informally exchanging  
25 discovery each side believes they require to facilitate a productive mediation session.

26 6. Due to Judge Cahill's calendar, the parties' and counsel's availability and  
27 some medical concerns involving Safeway's party representative, the first available date  
28

1 for the mediation was April 10, 2012. The matter is presently confirmed for a full-day  
2 mediation before Judge Cahill on that date.

3 7. Based on the prior settlement discussions and the impending mediation, the  
4 parties jointly request the Court continue the March 23, 2012 Case Management  
5 Conference to April 20, 2012, with a joint case management conference statement due on  
6 April 13, 2012, or a date thereafter convenient to the Court.

7 **IT IS SO STIPULATED.**

8 Dated: March 14, 2012

9 SHEPHERD, FINKELMAN, MILLER & SHAH LLP

10  
11 By /s/ James C. Shah  
12 LESLEY E. WEAVER  
13 JAMES C. SHAH  
Attorneys for Plaintiff MICHAEL RODMAN

14 Dated: March 14, 2012

CHIMICLES & TIKELLIS, LLP

15  
16 By /s/ Steven A. Schwartz  
17 STEVEN A. SCHWARTZ  
18 TIMOTHY N. MATHEWS  
Attorneys for Plaintiff MICHAEL RODMAN

19 Dated: March 14, 2012

SHEPPARD MULLIN RICHTER & HAMPTON LLP

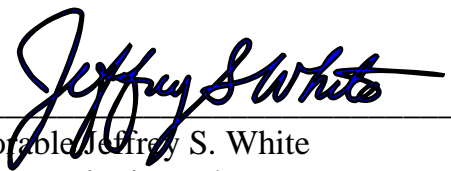
20  
21 By /s/ Brian R. Blackman  
22 P. CRAIG CARDON  
23 BRIAN R. BLACKMAN  
24 ELIZABETH S. BERMAN  
Attorneys for Defendant SAFEWAY INC.

**ORDER**

Having considered the parties' stipulation and good cause appearing, the Court continues the March 23, 2012 Case Management Conference to April 20, 2012 at 1:30 PM in Courtroom 11, 19th Floor. The joint case management statement shall be due on or before April 13, 2012.

**IT IS SO ORDERED.**

Dated: March 15, 2012

  
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The Honorable Jeffrey S. White  
United States District Judge